

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 604
OFFERED BY MR. NORCROSS OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Rebuild America’s Schools Act of 2022”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

**TITLE I—GRANTS FOR THE LONG-TERM IMPROVEMENT OF
PUBLIC SCHOOL FACILITIES**

Sec. 101. Purpose and reservation.
Sec. 102. Allocation to states.
Sec. 103. Need-based grants to qualified local educational agencies.
Sec. 104. Annual report on grant program.
Sec. 105. Authorization of appropriations.

TITLE II—SCHOOL INFRASTRUCTURE BONDS

Sec. 201. Restoration of certain qualified tax credit bonds.
Sec. 202. School infrastructure bonds.
Sec. 203. Annual report on bond program.

TITLE III—USES OF FUNDS

Sec. 301. Allowable uses of funds.
Sec. 302. Prohibited uses.
Sec. 303. Requirements for hazard-resistance and energy and water conserva-
tion.
Sec. 304. Green practices.
Sec. 305. Use of american iron, steel, and manufactured products.

TITLE IV—REPORTS AND OTHER MATTERS

Sec. 401. Comptroller general report.

- Sec. 402. Study and report on physical condition of public schools.
- Sec. 403. Office of School Infrastructure and Sustainability.
- Sec. 404. Development of data standards.
- Sec. 405. Information clearinghouse.
- Sec. 406. Sense of congress on opportunity zones.

TITLE V—IMPACT AID CONSTRUCTION

- Sec. 501. Temporary increase in funding for impact aid construction.

TITLE VI—ASSISTANCE FOR REPAIR OF SCHOOL FOUNDATIONS
AFFECTED BY PYRRHOTITE

- Sec. 601. Allocations to States.
- Sec. 602. Grants to local educational agencies.
- Sec. 603. Definitions.
- Sec. 604. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means the Committee on Education and
6 Labor of the House of Representatives and the Com-
7 mittee on Health, Education, Labor and Pensions of
8 the Senate.

9 (2) BUREAU-FUNDED SCHOOL.—The term “Bu-
10 reau-funded school” has the meaning given that
11 term in section 1141 of the Education Amendments
12 of 1978 (25 U.S.C. 2021).

13 (3) COVERED FUNDS.—The term “covered
14 funds” means funds received—

15 (A) under title I of this Act;

16 (B) from a school infrastructure bond; or

17 (C) from a qualified zone academy bond

18 (as such term is defined in section 54E of the

1 Internal Revenue Code of 1986 (as restored by
2 section 201)).

3 (4) ESEA TERMS.—The terms “elementary
4 school”, “outlying area”, and “secondary school”
5 have the meanings given those terms in section 8101
6 of the Elementary and Secondary Education Act of
7 1965 (20 U.S.C. 7801).

8 (5) LOCAL EDUCATIONAL AGENCY.—The term
9 “local educational agency” has the meaning given
10 that term in section 8101 of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C. 7801)
12 except that such term does not include a Bureau-
13 funded school.

14 (6) PUBLIC SCHOOL FACILITIES.—The term
15 “public school facilities” means the facilities and
16 grounds of a public elementary school or a public
17 secondary school.

18 (7) QUALIFIED LOCAL EDUCATIONAL AGEN-
19 CY.—The term “qualified local educational agency”
20 means a local educational agency that receives funds
21 under part A of title I of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C. 6311 et
23 seq.).

24 (8) SCHOOL INFRASTRUCTURE BOND.—The
25 term “school infrastructure bond” has the meaning

1 given such term in section 54BB of the Internal
2 Revenue Code of 1986 (as added by section 202).

3 (9) SECRETARY.—The term “Secretary” means
4 the Secretary of Education.

5 (10) STATE.—The term “State” means each of
6 the 50 States, the District of Columbia, and the
7 Commonwealth of Puerto Rico.

8 (11) NET ZERO ENERGY SCHOOL.—The term
9 “net zero energy school” means a public elementary
10 school or public secondary school that—

11 (A) generates renewable energy on-site;

12 and

13 (B) on an annual basis, exports an amount
14 of such renewable energy that equals or exceeds
15 the total amount of renewable energy that is
16 delivered to the school from outside sources.

17 **TITLE I—GRANTS FOR THE**
18 **LONG-TERM IMPROVEMENT**
19 **OF PUBLIC SCHOOL FACILI-**
20 **TIES**

21 **SEC. 101. PURPOSE AND RESERVATION.**

22 (a) PURPOSE.—Funds made available under this title
23 shall be for the purpose of supporting long-term improve-
24 ments to public school facilities in accordance with this
25 Act.

1 (b) RESERVATION FOR OUTLYING AREAS AND BU-
2 REAU-FUNDED SCHOOLS.—

3 (1) IN GENERAL.—For each of fiscal years
4 2023 through 2027, the Secretary shall reserve,
5 from the amount appropriated to carry out this
6 title—

7 (A) one-half of 1 percent, to make alloca-
8 tions to the outlying areas in accordance with
9 paragraph (3); and

10 (B) one-half of 1 percent, for payments to
11 the Secretary of the Interior to provide assist-
12 ance to Bureau-funded schools.

13 (2) USE OF RESERVED FUNDS.—

14 (A) IN GENERAL.—Funds reserved under
15 paragraph (1) shall be used in accordance with
16 title III.

17 (B) SPECIAL RULES FOR BUREAU-FUNDED
18 SCHOOLS.—

19 (i) APPLICABILITY.—The provisions
20 of title III shall apply to a Bureau-funded
21 school that receives assistance under para-
22 graph (1)(B) in the same manner that
23 such provisions apply to a qualified local
24 educational agency that receives covered
25 funds. The facilities of a Bureau-funded

1 school shall be treated as public school fa-
2 cilities for purposes of the application of
3 such provisions.

4 (ii) TREATMENT OF TRIBALLY OPER-
5 ATED SCHOOLS.—The Secretary of the In-
6 terior shall provide assistance to Bureau-
7 funded schools under paragraph (1)(B)
8 without regard to whether such schools are
9 operated by the Bureau of Indian Edu-
10 cation or by an Indian Tribe. In the case
11 of a Bureau-funded school that is a con-
12 tract or grant school (as that term is de-
13 fined in section 1141 of the Education
14 Amendments of 1978 (25 U.S.C. 2021))
15 operated by an Indian Tribe, the Secretary
16 of the Interior shall provide assistance
17 under such paragraph to the Indian Tribe
18 concerned.

19 (3) ALLOCATION TO OUTLYING AREAS.—From
20 the amount reserved under paragraph (1)(A) for a
21 fiscal year, the Secretary shall allocate to each out-
22 lying area an amount in proportion to the amount
23 received by the outlying area under part A of title
24 I of the Elementary and Secondary Education Act
25 of 1965 (20 U.S.C. 6311 et seq.) for the previous

1 fiscal year relative to the total such amount received
2 by all outlying areas for such previous fiscal year.

3 **SEC. 102. ALLOCATION TO STATES.**

4 (a) ALLOCATION TO STATES.—

5 (1) STATE-BY-STATE ALLOCATION.—

6 (A) FISCAL YEAR 2023.—Of the amount
7 appropriated to carry out this title for fiscal
8 year 2023 and not reserved under section
9 101(b), not later than 30 days after such funds
10 are appropriated, each State that provides an
11 assurance to the Secretary that the State will
12 comply with the requirements of section 103(c)
13 shall be allocated an amount in proportion to
14 the amount received by all local educational
15 agencies in the State under part A of title I of
16 the Elementary and Secondary Education Act
17 of 1965 (20 U.S.C. 6311 et seq.) for the pre-
18 vious fiscal year relative to the total amount re-
19 ceived under such part for such fiscal year by
20 all local educational agencies in every State that
21 provides such an assurance to the Secretary.

22 (B) OTHER FISCAL YEARS.—Of the
23 amount appropriated to carry out this title for
24 each fiscal year other than fiscal year 2023 and
25 not reserved under section 101(b), each State

1 that has a plan approved by the Secretary
2 under subsection (b) shall be allocated an
3 amount in proportion to the amount received by
4 all local educational agencies in the State under
5 part A of title I of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C. 6311
7 et seq.) for the previous fiscal year relative to
8 the total amount received under such part for
9 such fiscal year by all local educational agencies
10 in every State that has a plan approved by the
11 Secretary under subsection (b).

12 (2) STATE RESERVATION.—A State may reserve
13 not more than 5 percent of its allocation under para-
14 graph (1) to carry out its responsibilities under this
15 Act, which shall include—

16 (A) providing technical assistance to local
17 educational agencies, including by—

18 (i) identifying which State agencies
19 have programs, resources, and expertise
20 relevant to the activities supported by the
21 allocation under this section; and

22 (ii) coordinating the provision of tech-
23 nical assistance across such agencies;

24 (B) in accordance with the guidance issued
25 by the Secretary under section 404, developing

1 an online, publicly searchable database that
2 contains an inventory of the infrastructure of
3 all public school facilities in the State (including
4 the facilities of Bureau-funded schools, as ap-
5 propriate), including, with respect to each such
6 facility, an identification of—

7 (i) the information described in
8 clauses (i) through (vii) of subparagraph
9 (F);

10 (ii) the age (including an identifica-
11 tion of the date of any retrofits or recent
12 renovations) of—

13 (I) the facility;

14 (II) its roof;

15 (III) its electrical panels and
16 lighting system;

17 (IV) its windows and any sky-
18 lights;

19 (V) its cooking equipment and
20 major appliances;

21 (VI) its plumbing; and

22 (VII) its heating, ventilation, and
23 air conditioning system, including any
24 energy management controls and sys-
25 tems;

1 (iii) fire safety inspection results;

2 (iv) the proximity of the facilities to
3 toxic sites, including sites contaminated by
4 per- and polyfluoroalkyl substances, or the
5 vulnerability of the facilities to natural dis-
6 asters, including the extent to which facili-
7 ties that are vulnerable to seismic natural
8 disasters are seismically retrofitted;

9 (v) any previous inspections showing
10 the presence of toxic substances, including
11 per- and polyfluoroalkyl substances;

12 (vi) any improvements that are needed
13 to support indoor and outdoor social
14 distancing, personal hygiene, and building
15 hygiene (including with respect to heating,
16 ventilation, and air conditioning usage) in
17 school facilities, consistent with guidance
18 issued by the Centers for Disease Control
19 and Prevention; and

20 (vii) any improvements that are need-
21 ed to support energy and water efficiency,
22 resilience, and climate mitigation;

23 (C) updating the database developed under
24 subparagraph (B) not less frequently than once
25 every 3 years;

1 (D) ensuring that the information in the
2 database developed under subparagraph (B)—

3 (i) is posted on a publicly accessible
4 State website; and

5 (ii) is regularly distributed to local
6 educational agencies and Tribal govern-
7 ments in the State;

8 (E) issuing and reviewing regulations to
9 ensure the health and safety of students and
10 staff during construction or renovation projects;

11 (F) issuing or reviewing regulations to en-
12 sure safe, healthy, and high-performing school
13 buildings, including regulations governing—

14 (i) indoor environmental quality and
15 ventilation, including exposure to carbon
16 monoxide, carbon dioxide, lead-based paint,
17 and other combustion by-products such as
18 oxides of nitrogen;

19 (ii) mold, mildew, and moisture con-
20 trol;

21 (iii) the safety of drinking water at
22 the tap and water used for meal prepara-
23 tion, including regulations that—

24 (I) address the presence of lead
25 and other contaminants, including

1 per- and polyfluoroalkyl substances, in
2 such water; and

3 (II) require the regular testing of
4 the potability of water at the tap and
5 testing for contaminants, including
6 per- and polyfluoroalkyl substances;

7 (iv) energy and water efficiency;

8 (v) excessive classroom noise due to
9 activities allowable under section 301;

10 (vi) the levels of maintenance work,
11 operational spending, and capital invest-
12 ment needed to maintain the quality of
13 public school facilities; and

14 (vii) the construction or renovation of
15 such facilities, including applicable building
16 codes;

17 (G) creating a plan to reduce or eliminate
18 exposure to toxic substances, including mercury,
19 radon, PCBs, lead, vapor intrusions, per- and
20 polyfluoroalkyl substances, and asbestos; and

21 (H) creating a plan to increase the number
22 of net zero energy schools in the State, includ-
23 ing professional development opportunities for
24 State and local educational agency staff in-
25 volved in maintenance, operations, and school

1 facilities capital outlay projects related to en-
2 ergy and water efficiency, resilience, climate
3 mitigation, renewable energy, energy storage,
4 and building electrification.

5 (b) STATE PLAN.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), to be eligible to receive an allocation
8 under this section, a State shall submit to the Sec-
9 retary a plan that—

10 (A) describes how the State will use the al-
11 location to make long-term improvements to
12 public school facilities;

13 (B) explains how the State will carry out
14 each of its responsibilities under subsection
15 (a)(2);

16 (C) explains how the State will make the
17 determinations under subsections (b) through
18 (d) of section 103, including how the State will
19 consider the impact that projects will have on
20 student diversity and racial and socioeconomic
21 isolation of students attending any current (as
22 of the time of the submission of the plan) or fu-
23 ture public school facilities supported by such
24 projects;

1 (D) identifies how long, and at what levels,
2 the State will maintain fiscal effort for the ac-
3 tivities supported by the allocation after the
4 State no longer receives the allocation; and

5 (E) includes such other information as the
6 Secretary may require.

7 (2) EXPEDITED PROCESS FOR FISCAL YEAR
8 2023.—

9 (A) ASSURANCE TO SECRETARY.—To be
10 eligible to receive an allocation for fiscal year
11 2023 under section 101(a)(1)(A), a State shall
12 provide to the Secretary an assurance that the
13 State will comply with the requirements of sec-
14 tion 103(c).

15 (B) SUBMITTAL OF STATE PLAN.—A State
16 shall not be required to submit a State plan
17 under paragraph (1) before receiving an alloca-
18 tion for fiscal year 2023 under section sub-
19 section (a)(1)(A). A State that receives an allo-
20 cation under such subsection for such fiscal
21 year shall submit to the Secretary the State
22 plan described in paragraph (1) not later than
23 90 days after the date on which such allocation
24 is received.

1 (3) APPROVAL AND DISAPPROVAL.—The Sec-
2 retary shall have the authority to approve or dis-
3 approve a State plan submitted under paragraph
4 (1).

5 (c) CONDITIONS.—As a condition of receiving an allo-
6 cation under this section, a State shall agree to the fol-
7 lowing:

8 (1) MATCHING REQUIREMENT.—

9 (A) IN GENERAL.—The State shall con-
10 tribute, from non-Federal sources, an amount
11 equal to 10 percent of the amount of the alloca-
12 tion received under this section to carry out the
13 activities supported by the allocation.

14 (B) DEADLINE.—The State shall provide
15 any contribution required under subparagraph
16 (A) not later than September 30, 2030.

17 (C) CERTAIN FISCAL YEARS.—With re-
18 spect to a fiscal year for which more than
19 \$7,000,000,000 are appropriated to carry out
20 this title, subparagraph (A) shall be applied as
21 if “, from non-Federal sources,” were struck.

22 (D) COMMITMENT TO PROPORTIONAL
23 STATE INVESTMENT IN SCHOOL FACILITIES.—

24 (i) IN GENERAL.—The State shall
25 provide an assurance to the Secretary that

1 for each fiscal year that the State receives
2 an allocation under this section, the State's
3 share of school facilities capital outlay will
4 be not less than 90 percent of the average
5 of the State's share of school facilities cap-
6 ital outlay for the 5 years preceding the
7 fiscal year for which the allocation is re-
8 ceived.

9 (ii) WAIVER.—Notwithstanding clause
10 (i), in response to a request from a State,
11 the Secretary may modify or waive, in
12 whole or in part, the requirement of clause
13 (i) if the Secretary determines that such
14 State demonstrates an exceptional or un-
15 controllable circumstance, such as a nat-
16 ural disaster, pandemic, or precipitous de-
17 cline in revenue.

18 (iii) STATE'S SHARE OF SCHOOL FA-
19 CILITIES CAPITAL OUTLAY.—In this sub-
20 paragraph, the term "State's share of
21 school facilities capital outlay" means—

22 (I) the total State expenditures
23 on school facilities capital outlay
24 projects; divided by

1 (II) the total school facilities cap-
2 ital expenditures in the State on
3 school facilities capital outlay projects.

4 (iv) TOTAL STATE EXPENDITURES.—

5 In this subparagraph, the term “total
6 State expenditures” means the State’s
7 total expenditures (from funds other than
8 an allocation under this section) on school
9 facilities capital outlay projects, includ-
10 ing—

11 (I) any direct expenditures by the
12 State for the purpose of school facili-
13 ties capital outlay projects; and

14 (II) funds provided by the State
15 to local educational agencies for the
16 purpose of school facilities capital out-
17 lay projects.

18 (v) TOTAL SCHOOL FACILITIES CAP-
19 ITAL EXPENDITURES IN THE STATE.—In
20 this subparagraph, the term “total school
21 facilities capital expenditures in the State”,
22 means the sum of—

23 (I) the total state expenditures
24 calculated under clause (iv); plus

1 (II) all additional expenditures
2 (from funds other than an allocation
3 under this section) on school facilities
4 capital outlay projects by local edu-
5 cational agencies in the State that
6 were not included in the calculation of
7 total state expenditures under clause
8 (iv).

9 (2) SUPPLEMENT NOT SUPPLANT.—The State
10 shall use an allocation under this section only to
11 supplement the level of State public funds that
12 would, in absence of the receipt of Federal funds
13 under this section, be made available for the State’s
14 contribution to school facilities capital outlays, and
15 not to supplant such State public funds.

16 **SEC. 103. NEED-BASED GRANTS TO QUALIFIED LOCAL EDU-**
17 **CATIONAL AGENCIES.**

18 (a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

19 (1) IN GENERAL.—Subject to paragraph (2),
20 from the amounts allocated to a State under section
21 102(a) and contributed by the State under section
22 102(c)(1), the State shall award grants to qualified
23 local educational agencies, on a competitive basis, to
24 carry out the activities described in section 301(a).

1 (2) ALLOWANCE FOR DIGITAL LEARNING.—A
2 State may use up to 10 percent of the amount de-
3 scribed in paragraph (1) to make grants to qualified
4 local educational agencies carry out activities to im-
5 prove digital learning in accordance with section
6 301(b).

7 (b) ELIGIBILITY.—

8 (1) IN GENERAL.—To be eligible to receive a
9 grant under this section, a qualified local edu-
10 cational agency—

11 (A) shall be among the local educational
12 agencies in the State with the highest numbers
13 or percentages of students counted under sec-
14 tion 1124(c) of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 6333(c));

16 (B) shall agree to prioritize the improve-
17 ment of the facilities of public schools that
18 serve the highest percentages of students who
19 are eligible for a free or reduced price lunch
20 under the Richard B. Russell National School
21 Lunch Act (42 U.S.C. 1751 et seq.) (which, in
22 the case of a high school, may be calculated
23 using comparable data from the schools that
24 feed into the high school), as compared to other

1 public schools in the jurisdiction of the agency;
2 and

3 (C) shall be among the local educational
4 agencies in the State with the most limited ca-
5 pacity to raise funds for the long-term improve-
6 ment of public school facilities, as determined
7 by an assessment of—

8 (i) the current and historic ability of
9 the agency to raise funds for construction,
10 renovation, modernization, and major re-
11 pair projects for schools;

12 (ii) whether the agency has been able
13 to issue bonds or receive other funds to
14 support school construction projects; and

15 (iii) the bond rating of the agency.

16 (2) **EQUITABLE DISTRIBUTION.**—

17 (A) **NUMBERS AND PERCENTAGES OF CER-**
18 **TAIN STUDENTS.**—In making the determination
19 under paragraph (1)(A), the State shall ensure
20 that grants under this section are equitably dis-
21 tributed among—

22 (i) qualified local educational agencies
23 in the State with the highest numbers of
24 students counted under section 1124(c) of

1 the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 6333(c)); and

3 (ii) qualified local educational agencies
4 in the State with the highest percentages
5 of students counted under such section.

6 (B) GEOGRAPHIC DIVERSITY.—The State
7 shall ensure that grants under this section are
8 awarded to qualified local educational agencies
9 that represent the geographic diversity of the
10 State.

11 (3) STATEWIDE THRESHOLDS.—The State shall
12 establish reasonable thresholds for determining
13 whether a local educational agency is among agen-
14 cies in the State with the highest numbers or per-
15 centages of students counted under section 1124(c)
16 of the Elementary and Secondary Education Act of
17 1965 (20 U.S.C. 6333(c)) as required under para-
18 graph (1)(A).

19 (c) PRIORITY OF GRANTS FOR FISCAL YEAR 2023.—
20 In awarding grants under this section for fiscal year
21 2023—

22 (1) the State shall first award grants to quali-
23 fied local educational agencies that meet the require-
24 ments of subsection (d)(1) that will use the grant to
25 improve the facilities of schools described in sub-

1 section (d)(1)(B) to support indoor and outdoor so-
2 cial distancing, personal hygiene, and building hy-
3 giene (including with respect to heating, ventilation,
4 and air conditioning usage) in school facilities, con-
5 sistent with guidance issued by the Centers for Dis-
6 ease Control and Prevention; and

7 (2) from any funds remaining after making
8 grants to qualified local educational agencies that
9 meet the requirements of paragraph (1), the State
10 may award grants to other qualified local agencies in
11 accordance with the priorities established under sub-
12 section (d).

13 (d) PRIORITY OF GRANTS FOR OTHER FISCAL
14 YEARS.—Except as provided in subsection (e), in award-
15 ing grants under this section, the State shall give priority
16 to qualified local educational agencies that—

17 (1)(A) demonstrate the greatest need for such
18 a grant, as determined by a comparison of the fac-
19 tors described in subsection (b)(1) and other indica-
20 tors of need in the public school facilities of such
21 local educational agencies, including—

22 (i) the median age of facilities;

23 (ii) the extent to which student enrollment
24 exceeds physical and instructional capacity;

1 (iii) the condition of major building sys-
2 tems such as heating, ventilation, air condi-
3 tioning, electrical, water, and sewer systems;

4 (iv) the condition of roofs, windows, and
5 doors; and

6 (v) other critical health and safety condi-
7 tions;

8 (B) will use the grant to improve the facilities
9 of—

10 (i) elementary schools or middle schools
11 that have an enrollment of students who are eli-
12 gible for a free or reduced price lunch under the
13 Richard B. Russell National School Lunch Act
14 (42 U.S.C. 1751 et seq.) that constitutes not
15 less than 40 percent of the total student enroll-
16 ment at such schools; or

17 (ii) high schools that have an enrollment of
18 students who are eligible for a free or reduced
19 price lunch under such Act that constitutes not
20 less than 30 percent of the total student enroll-
21 ment at such schools (which may be calculated
22 using comparable data from the schools that
23 feed into the high school); and

24 (C) operate public school facilities that pose a
25 severe health and safety threat to students and staff,

1 which may include consideration of threats posed by
2 the proximity of the facilities to toxic sites or
3 brownfield sites or the vulnerability of the facilities
4 to natural disasters; or

5 (2)(A) will use the grant to improve access to
6 high-speed broadband sufficient to support digital
7 learning in accordance with section 301(b);

8 (B) serve elementary schools or secondary
9 schools, including rural schools, that lack such ac-
10 cess; and

11 (C) meet one or more of the requirements set
12 forth in subparagraphs (A) through (C) of para-
13 graph (1).

14 (e) APPLICATION.—To be considered for a grant
15 under this section, a qualified local educational agency
16 shall submit an application to the State at such time, in
17 such manner, and containing such information as the
18 State may require. Such application shall include, at min-
19 imum—

20 (1) the information necessary for the State to
21 make the determinations under subsections (b)
22 through (d);

23 (2) a description of the projects that the agency
24 plans to carry out with the grant;

25 (3) an explanation of how such projects will—

1 (A) improve conditions for the health and
2 safety of staff and students at schools served by
3 the agency; and

4 (B) improve learning and reduce inequity
5 for such students;

6 (4) an explanation of how such projects will im-
7 prove school facilities' performance with respect to
8 energy and water efficiency, resilience, and climate
9 mitigation;

10 (5) in the case of a local educational agency
11 that proposes to fund a repair, renovation, or con-
12 struction project for a public charter school, the ex-
13 tent to which—

14 (A) the public charter school lacks access
15 to funding for school repair, renovation, and
16 construction through the financing methods
17 available to other public schools or local edu-
18 cational agencies in the State; and

19 (B) the charter school operator owns or
20 has care and control of the facility that is to be
21 repaired, renovated, or constructed; and

22 (6) an explanation of how the local educational
23 agency plans to increase the number of contracts
24 such agency has with certified small businesses, mi-
25 nority-owned businesses, veteran-owned businesses,

1 or women-owned businesses as of the date of sub-
2 mission of the application by awarding such con-
3 tracts under projects supported by the grant.

4 (f) FACILITIES MASTER PLAN.—

5 (1) PLAN REQUIRED.—Not later than 180 days
6 after receiving a grant under this section, a qualified
7 local educational agency shall submit to the State a
8 comprehensive 10-year facilities master plan.

9 (2) ELEMENTS.—The facilities master plan re-
10 quired under paragraph (1) shall include, with re-
11 spect to all public school facilities of the qualified
12 local educational agency, a description of—

13 (A) the extent to which public school facili-
14 ties meet students' educational needs and sup-
15 port the agency's educational mission and vi-
16 sion;

17 (B) the physical condition of the public
18 school facilities;

19 (C) the current health, safety, and environ-
20 mental conditions of the public school facilities,
21 including—

22 (i) indoor air quality;

23 (ii) the presence of toxic substances;

24 (iii) the safety of drinking water at
25 the tap and water used for meal prepara-

1 tion, including the level of lead and other
2 contaminants in such water;

3 (iv) energy and water efficiency, resil-
4 ience, and climate mitigation;

5 (v) excessive classroom noise; and

6 (vi) other health, safety, and environ-
7 mental conditions that would impact the
8 health, safety, and learning ability of stu-
9 dents;

10 (D) how the local educational agency will
11 address any conditions identified under sub-
12 paragraph (C);

13 (E) the impact of current and future stu-
14 dent enrollment levels (as of the date of appli-
15 cation) on the design of current and future pub-
16 lic school facilities, as well as the financial im-
17 plications of such enrollment levels;

18 (F) the dollar amount and percentage of
19 funds the local educational agency will dedicate
20 to capital construction projects for public school
21 facilities, including—

22 (i) any funds in the budget of the
23 agency that will be dedicated to such
24 projects; and

1 (ii) any funds not in the budget of the
2 agency that will be dedicated to such
3 projects, including any funds available to
4 the agency as the result of a bond issue;
5 and

6 (G) the dollar amount and percentage of
7 funds the local educational agency will dedicate
8 to the maintenance and operation of public
9 school facilities, including—

10 (i) any funds in the budget of the
11 agency that will be dedicated to the main-
12 tenance and operation of such facilities;
13 and

14 (ii) any funds not in the budget of the
15 agency that will be dedicated to the main-
16 tenance and operation of such facilities.

17 (3) CONSULTATION.—In developing the facili-
18 ties master plan required under paragraph (1)—

19 (A) a qualified local educational agency
20 shall consult with teachers, principals and other
21 school leaders, custodial and maintenance staff,
22 emergency first responders, school facilities di-
23 rectors, students and families, community resi-
24 dents, and Indian Tribes; and

1 (B) in addition to the consultation required
2 under subparagraph (A), a Bureau-funded
3 school shall consult with the Bureau of Indian
4 Education.

5 **SEC. 104. ANNUAL REPORT ON GRANT PROGRAM.**

6 (a) IN GENERAL.—Not later than September 30 of
7 each fiscal year beginning after the date of the enactment
8 of this Act, the Secretary shall submit to the appropriate
9 congressional committees a report on the projects carried
10 out with funds made available under this title.

11 (b) ELEMENTS.—The report under subsection (a)
12 shall include, with respect to the fiscal year preceding the
13 year in which the report is submitted, the following:

14 (1) An identification of each local educational
15 agency that received a grant under this title.

16 (2) With respect to each such agency, a descrip-
17 tion of—

18 (A) the demographic composition of the
19 student population served by the agency,
20 disaggregated by—

21 (i) race;

22 (ii) the number and percentage of stu-
23 dents counted under section 1124(c) of the
24 Elementary and Secondary Education Act
25 of 1965 (20 U.S.C. 6333(c)); and

1 (iii) the number and percentage of
2 students who are eligible for a free or re-
3 duced price lunch under the Richard B.
4 Russell National School Lunch Act (42
5 U.S.C. 1751 et seq.);

6 (B) the population density of the geo-
7 graphic area served by the agency;

8 (C) the projects for which the agency used
9 the grant received under this title, described
10 using measurements of school facility quality
11 from the most recent available version of the
12 Common Education Data Standards published
13 by the National Center for Education Statistics;

14 (D) the demonstrable or expected benefits
15 of the projects, including any improvements—

16 (i) to conditions for health, safety,
17 and learning; and

18 (ii) to school facilities with respect to
19 energy and water efficiency, resilience, re-
20 duced carbon emissions, and climate miti-
21 gation;

22 (E) the square footage of the improve-
23 ments made with covered funds;

24 (F) the total cost of each such project—

25 (i) in total; and

1 (ii) disaggregated by the costs of plan-
2 ning, design, construction, site purchase,
3 and improvements;

4 (G) the estimated number of jobs created
5 by the projects;

6 (H) of the total number of contracts
7 awarded under the project, the percentage of
8 such contracts that were awarded to certified
9 small businesses, minority-owned businesses,
10 veteran-owned businesses, and women-owned
11 businesses; and

12 (I)(i) the total dollar value of contracts
13 awarded under the project to certified small
14 businesses, minority-owned businesses, veteran-
15 owned businesses, and women-owned busi-
16 nesses, respectively; and

17 (ii) the total dollar value of contracts
18 awarded under the project to all such busi-
19 nesses combined.

20 (3) The total dollar amount of all grants re-
21 ceived by local educational agencies under this title.

22 (c) LEA INFORMATION COLLECTION.—A local edu-
23 cational agency that receives a grant under this title
24 shall—

1 (1) annually compile the information described
2 in subsection (b)(2);

3 (2) make the information available to the pub-
4 lic, including by posting the information on a pub-
5 licly accessible agency website; and

6 (3) submit the information to the State.

7 (d) STATE INFORMATION DISTRIBUTION.—A State
8 that receives information from a local educational agency
9 under subsection (c) shall—

10 (1) compile the information and report it annu-
11 ally to the Secretary at such time and in such man-
12 ner as the Secretary may require;

13 (2) make the information available to the pub-
14 lic, including by posting the information on a pub-
15 licly accessible State website; and

16 (3) regularly distribute the information to local
17 educational agencies and Tribal governments in the
18 State.

19 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated
21 \$20,000,000,000 for each of fiscal years 2023 through
22 2027 to carry out this title. Amounts so appropriated are
23 authorized to remain available through fiscal year 2032.

1 **TITLE II—SCHOOL**
2 **INFRASTRUCTURE BONDS**

3 **SEC. 201. RESTORATION OF CERTAIN QUALIFIED TAX**
4 **CREDIT BONDS.**

5 (a) ALLOWANCE OF CREDIT.—

6 (1) IN GENERAL.—Section 54A of the Internal
7 Revenue Code of 1986, as in effect on the day before
8 repeal by Public Law 115–97, is revived.

9 (2) CREDIT LIMITED TO CERTAIN BONDS.—

10 (A) IN GENERAL.—Section 54A(d)(1) of
11 such Code, as revived by paragraph (1), is
12 amended by striking “means—” and all that
13 follows through “which is part” and inserting
14 “means a qualified zone academy bond which is
15 part”.

16 (B) CONFORMING AMENDMENT.—Section
17 54A(c)(2)(C) of such Code, as revived by para-
18 graph (1), is amended by striking “means—”
19 and all that follows and inserting “a purpose
20 specified in section 54E(a)(1)”.

21 (3) CONFORMING AMENDMENTS.—

22 (A) The Internal Revenue Code of 1986 is
23 amended by inserting before section 54A (as re-
24 vived by paragraph (1)) the following:

1 **“Subpart I—Qualified Tax Credit Bonds**

“Sec. 54A. Credit to holder of qualified tax credit bonds.”.

2 (B) Section 6401(b)(1) of such Code is
3 amended by striking “and G” and inserting “G,
4 and I”.

5 (C) The table of subparts for part IV of
6 subchapter A of chapter 1 of such Code is
7 amended by adding at the end the following:

“SUBPART I—QUALIFIED TAX CREDIT BONDS”.

8 (b) CREDIT ALLOWED TO ISSUER.—

9 (1) IN GENERAL.—Section 6431 of the Internal
10 Revenue Code of 1986, as in effect on the day before
11 repeal by Public Law 115–97, is revived.

12 (2) CONFORMING AMENDMENT.—Section
13 6211(b)(4) of such Code is amended by striking
14 “and 6428A” and inserting “6428A, and 6431”.

15 (c) QUALIFIED ZONE ACADEMY BONDS.—

16 (1) IN GENERAL.—Section 54E of the Internal
17 Revenue Code of 1986, as in effect on the day before
18 repeal by Public Law 115–97, is revived.

19 (2) EXTENSION OF LIMITATION.—Section
20 54(E)(c)(1) of such Code is amended—

21 (A) by striking “and \$400,000,000” and
22 inserting “\$400,000,000”, and

23 (B) by striking “and, except as provided”
24 and all that follows through the period at the

1 end and inserting “, and \$1,400,000,000 for
2 2022 and each calendar year thereafter.”.

3 (3) REMOVAL OF PRIVATE BUSINESS CON-
4 TRIBUTION REQUIREMENT.—Section 54E of the In-
5 ternal Revenue Code of 1986, as revived by para-
6 graph (1) and amended by paragraph (2), is amend-
7 ed—

8 (A) in subsection (a)(3), by inserting
9 “and” at the end of subparagraph (A), by strik-
10 ing subparagraph (B), and by redesignating
11 subparagraph (C) as subparagraph (B),

12 (B) by striking subsection (b), and

13 (C) by redesignating subsections (c) and
14 (d) as subsections (b) and (c), respectively.

15 (4) CONSTRUCTION OF A PUBLIC SCHOOL FA-
16 CILITY.—Section 54E(c)(3)(A) of the Internal Rev-
17 enue Code of 1986, as revived by paragraph (1) and
18 redesignated in paragraph (3)(C), is amended by
19 striking “rehabilitating or repairing” and inserting
20 “constructing, rehabilitating, retrofitting, or repair-
21 ing”.

22 (d) CONFORMING AMENDMENT RELATED TO APPLI-
23 CATION OF CERTAIN LABOR STANDARDS.—

24 (1) IN GENERAL.—Subchapter IV of chapter 31
25 of the title 40, United States Code, shall apply to

1 projects financed with the proceeds of any qualified
2 zone academy bond (as defined in section 54E of the
3 Internal Revenue Code of 1986) issued after the
4 date of the enactment of the American Recovery and
5 Reinvestment Tax Act of 2009.

6 (2) CONFORMING AMENDMENT.—Section 1601
7 of the American Recovery and Reinvestment Tax
8 Act of 2009 is amended by striking paragraph (3)
9 and redesignating paragraphs (4) and (5) as para-
10 graphs (3) and (4), respectively.

11 (e) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to obligations issued after Decem-
13 ber 31, 2022.

14 **SEC. 202. SCHOOL INFRASTRUCTURE BONDS.**

15 (a) IN GENERAL.—The Internal Revenue Code of
16 1986 is amended by inserting after subpart I (as revived
17 by section 201) of part IV of subchapter A of chapter 1
18 the following new subpart:

19 **“Subpart J—School Infrastructure Bonds**

“Sec. 54BB. School infrastructure bonds.

20 **“SEC. 54BB. SCHOOL INFRASTRUCTURE BONDS.**

21 “(a) IN GENERAL.—If a taxpayer holds a school in-
22 frastructure bond on one or more interest payment dates
23 of the bond during any taxable year, there shall be allowed
24 as a credit against the tax imposed by this chapter for

1 the taxable year an amount equal to the sum of the credits
2 determined under subsection (b) with respect to such
3 dates.

4 “(b) AMOUNT OF CREDIT.—The amount of the credit
5 determined under this subsection with respect to any in-
6 terest payment date for a school infrastructure bond is
7 100 percent of the amount of interest payable by the
8 issuer with respect to such date.

9 “(c) LIMITATION BASED ON AMOUNT OF TAX.—

10 “(1) IN GENERAL.—The credit allowed under
11 subsection (a) for any taxable year shall not exceed
12 the excess of—

13 “(A) the sum of the regular tax liability of
14 the taxpayer (as defined in section 26(b)) plus
15 the tax imposed by section 55, over

16 “(B) the sum of the credits allowable
17 under this part (other than subpart C and this
18 subpart).

19 “(2) CARRYOVER OF UNUSED CREDIT.—If the
20 credit allowable under subsection (a) exceeds the
21 limitation imposed by paragraph (1) for such taxable
22 year, such excess shall be carried to the succeeding
23 taxable year and added to the credit allowable under
24 subsection (a) for such taxable year (determined be-

1 fore the application of paragraph (1) for such suc-
2 ceeding taxable year).

3 “(d) SCHOOL INFRASTRUCTURE BOND.—

4 “(1) IN GENERAL.—For purposes of this sec-
5 tion, the term ‘school infrastructure bond’ means
6 any bond issued as part of an issue if—

7 “(A) 100 percent of the available project
8 proceeds of such issue are to be used for the
9 purposes described in section 301 of the Reopen
10 and Rebuild America’s Schools Act of 2021,

11 “(B) the interest on such obligation would
12 (but for this section) be excludable from gross
13 income under section 103,

14 “(C) the issue meets the requirements of
15 paragraph (3), and

16 “(D) the issuer designates such bond for
17 purposes of this section.

18 “(2) APPLICABLE RULES.—For purposes of ap-
19 plying paragraph (1)—

20 “(A) for purposes of section 149(b), a
21 school infrastructure bond shall not be treated
22 as federally guaranteed by reason of the credit
23 allowed under section 6431(a),

24 “(B) for purposes of section 148, the yield
25 on a school infrastructure bond shall be deter-

1 mined without regard to the credit allowed
2 under subsection (a), and

3 “(C) a bond shall not be treated as a
4 school infrastructure bond if the issue price has
5 more than a de minimis amount (determined
6 under rules similar to the rules of section
7 1273(a)(3)) of premium over the stated prin-
8 cipal amount of the bond.

9 “(3) 6-YEAR EXPENDITURE PERIOD.—

10 “(A) IN GENERAL.—An issue shall be
11 treated as meeting the requirements of this
12 paragraph if, as of the date of issuance, the
13 issuer reasonably expects 100 percent of the
14 available project proceeds to be spent for pur-
15 poses described in section 301 of the Reopen
16 and Rebuild America’s Schools Act of 2021
17 within the 6-year period beginning on such date
18 of issuance.

19 “(B) FAILURE TO SPEND REQUIRED
20 AMOUNT OF BOND PROCEEDS WITHIN 6
21 YEARS.—To the extent that less than 100 per-
22 cent of the available project proceeds of the
23 issue are expended at the close of the period de-
24 scribed in subparagraph (A) with respect to
25 such issue, the issuer shall redeem all of the

1 nonqualified bonds within 90 days after the end
2 of such period. For purposes of this paragraph,
3 the amount of the nonqualified bonds required
4 to be redeemed shall be determined in the same
5 manner as under section 142.

6 “(e) LIMITATION ON AMOUNT OF BONDS DES-
7 IGNATED.—The maximum aggregate face amount of
8 bonds issued during any calendar year which may be des-
9 ignated under subsection (d)(1)(D) by any issuer shall not
10 exceed the limitation amount allocated under subsection
11 (g) for such calendar year to such issuer.

12 “(f) NATIONAL LIMITATION ON AMOUNT OF BONDS
13 DESIGNATED.—The national qualified school infrastruc-
14 ture bond limitation for each calendar year is—

15 “(1) \$10,000,000,000 for 2022,

16 “(2) \$10,000,000,000 for 2023, and

17 “(3) \$10,000,000,000 for 2024.

18 “(g) ALLOCATION OF LIMITATION.—

19 “(1) ALLOCATIONS.—

20 “(A) STATES.—After application of sub-
21 paragraph (B) and paragraph (3)(A), the limi-
22 tation applicable under subsection (f) for a cal-
23 endar year shall be allocated by the Secretary
24 among the States in proportion to the respec-
25 tive amounts received by all local educational

1 agencies in each State under part A of title I
2 of the Elementary and Secondary Education
3 Act of 1965 (20 U.S.C. 6311 et seq.) for the
4 previous fiscal year relative to the total such
5 amount received by all local educational agen-
6 cies for the most recent fiscal year ending be-
7 fore such calendar year.

8 “(B) CERTAIN POSSESSIONS.—One-half of
9 1 percent of the amount of the limitation appli-
10 cable under subsection (f) for a calendar year
11 shall be allocated by the Secretary to posses-
12 sions of the United States other than Puerto
13 Rico for such calendar year.

14 “(2) ALLOCATIONS TO SCHOOLS.—The limita-
15 tion amount allocated to a State or possession under
16 paragraph (1) shall be allocated by the State edu-
17 cational agency (or such other agency as is author-
18 ized under State law to make such allocation) to
19 issuers within such State or possession in accord-
20 ance with the priorities described in subsections (c)
21 and (d) of section 103 of the Reopen and Rebuild
22 America’s Schools Act of 2021 and the eligibility re-
23 quirements described in section 103(b) of such Act,
24 except that paragraph (1)(C) of such section shall

1 not apply to the determination of eligibility for such
2 allocation.

3 “(3) ALLOCATIONS FOR INDIAN SCHOOLS.—

4 “(A) IN GENERAL.—One-half of 1 percent
5 of the amount of the limitation applicable under
6 subsection (f) for any calendar year shall be al-
7 located by the Secretary to the Secretary of the
8 Interior for schools funded by the Bureau of In-
9 dian Affairs for such calendar year.

10 “(B) ALLOCATION TO SCHOOLS.—The lim-
11 itation amount allocated to the Secretary of the
12 Interior under paragraph (1) shall be allocated
13 by such Secretary to issuers or schools funded
14 as described in paragraph (2). In the case of
15 amounts allocated under the preceding sen-
16 tence, Indian tribal governments shall be treat-
17 ed as qualified issuers for purposes of this sub-
18 chapter.

19 “(4) DIGITAL LEARNING.—Up to 10 percent of
20 the limitation amount allocated under paragraph (1)
21 or (3)(A) may be allocated by the State to issuers
22 within such State (in the case of an amount allo-
23 cated under paragraph (1)) or by the Secretary of
24 the Interior to issuers or schools funded by the Bu-
25 reau of Indian Affairs (in the case of an amount al-

1 located under paragraph (3)(A)) to carry out activi-
2 ties to improve digital learning in accordance with
3 section 301(b) of the Reopen and Rebuild America’s
4 Schools Act of 2021.

5 “(h) INTEREST PAYMENT DATE.—For purposes of
6 this section, the term ‘interest payment date’ means any
7 date on which the holder of record of the school infrastruc-
8 ture bond is entitled to a payment of interest under such
9 bond.

10 “(i) SPECIAL RULES.—

11 “(1) INTEREST ON SCHOOL INFRASTRUCTURE
12 BONDS INCLUDIBLE IN GROSS INCOME FOR FED-
13 ERAL INCOME TAX PURPOSES.—For purposes of this
14 title, interest on any school infrastructure bond shall
15 be includible in gross income.

16 “(2) APPLICATION OF CERTAIN RULES.—Rules
17 similar to the rules of subsections (f), (g), (h), and
18 (i) of section 54A shall apply for purposes of the
19 credit allowed under subsection (a).”.

20 (b) CREDIT ALLOWED TO ISSUER.—Section
21 6431(f)(3)(A) of such Code, as revived by section
22 201(b)(1), is amended by striking “means any qualified
23 tax credit bond” and all that follows through the end of
24 subparagraph (A) and inserting “means any bond if—

25 “(A) such bond is—

1 “(i) a qualified tax credit bond which
2 is a qualified zone academy bond (as de-
3 fined in section 54E) determined without
4 regard to any allocation relating to the na-
5 tional zone academy bond limitation for
6 years after 2010 or any carryforward of
7 any such allocation, or

8 “(ii) any school infrastructure bond
9 (as defined in section 54BB), and”.

10 (c) APPLICATION OF CERTAIN LABOR STANDARDS.—

11 Subchapter IV of chapter 31 of the title 40, United States
12 Code, shall apply to projects financed with the proceeds
13 of any qualified zone academy bond (as defined in section
14 54E of the Internal Revenue Code of 1986) issued after
15 the date of the enactment of this Act.

16 (d) CONFORMING AMENDMENTS.—

17 (1) Section 6401(b)(1) of the Internal Revenue
18 Code of 1986, as amended by section 201(a), is
19 amended by striking “and I” and inserting “I, and
20 J”.

21 (2) The table of subparts for part IV of sub-
22 chapter A of chapter 1 of such Code, as amended by
23 section 201(a), is amended by adding at the end the
24 following:

 “SUBPART J—SCHOOL INFRASTRUCTURE BONDS”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to obligations issued after Decem-
3 ber 31, 2022.

4 **SEC. 203. ANNUAL REPORT ON BOND PROGRAM.**

5 (a) IN GENERAL.—Not later than September 30 of
6 each fiscal year beginning after the date of the enactment
7 of this Act, the Secretary of the Treasury shall submit
8 to the appropriate congressional committees a report on
9 the amendments made by sections 201 and 202.

10 (b) ELEMENTS.—The report under paragraph (1)
11 shall include, with respect to the fiscal year preceding the
12 year in which the report is submitted, the following:

13 (1) An identification of—

14 (A) each local educational agency (if any)
15 that received an allocation under section
16 54E(b)(2) or 54BB(g) of the Internal Revenue
17 Code of 1986, and

18 (B) each local educational agency (if any)
19 that was eligible to receive such funds but did
20 not receive such funds.

21 (2) With respect to each local educational agen-
22 cy described in paragraph (1)—

23 (A) an assessment of the capacity of the
24 agency to raise funds for the long-term im-

1 provement of public school facilities, as deter-
2 mined by an assessment of—

3 (i) the current and historic ability of
4 the agency to raise funds for construction,
5 renovation, modernization, and major re-
6 pair projects for schools, including the abil-
7 ity of the agency to raise funds through
8 imposition of property taxes,

9 (ii) whether the agency has been able
10 to issue bonds to fund construction
11 projects, including—

12 (I) qualified zone academy bonds
13 under section 54E of the Internal
14 Revenue Code of 1986, and

15 (II) school infrastructure bonds
16 under section 54BB of the Internal
17 Revenue Code of 1986, and

18 (iii) the bond rating of the agency,

19 (B) the demographic composition of the
20 student population served by the agency,
21 disaggregated by—

22 (i) race,

23 (ii) the number and percentage of stu-
24 dents counted under section 1124(c) of the

1 Elementary and Secondary Education Act
2 of 1965 (20 U.S.C. 6333(c)), and

3 (iii) the number and percentage of
4 students who are eligible for a free or re-
5 duced price lunch under the Richard B.
6 Russell National School Lunch Act (42
7 U.S.C. 1751 et seq.),

8 (C) the population density of the geo-
9 graphic area served by the agency,

10 (D) a description of the projects carried
11 out with funds received from school infrastruc-
12 ture bonds,

13 (E) a description of the demonstrable or
14 expected benefits of the projects, and

15 (F) the estimated number of jobs created
16 by the projects.

17 (3) The total dollar amount of all funds re-
18 ceived by local educational agencies from school in-
19 frastructure bonds.

20 (4) Any other factors that the Secretary of the
21 Treasury determines to be appropriate.

22 (c) INFORMATION COLLECTION.—A State or local
23 educational agency that receives an allocation under sec-
24 tion 54E(b)(2) or 54BB(g) of the Internal Revenue Code
25 of 1986 shall—

1 (1) annually compile the information necessary
2 for the Secretary of the Treasury to determine the
3 elements described in subsection (b), and

4 (2) report the information to the Secretary of
5 the Treasury at such time and in such manner as
6 the Secretary of the Treasury may require.

7 (d) SECRETARY OF THE TREASURY.—For purposes
8 of this section, the term “Secretary of the Treasury” in-
9 cludes the Secretary’s delegate.

10 **TITLE III—USES OF FUNDS**

11 **SEC. 301. ALLOWABLE USES OF FUNDS.**

12 (a) IN GENERAL.—Except as provided in section 302,
13 a local educational agency that receives covered funds may
14 use such funds to—

15 (1) develop, maintain, and update (as nec-
16 essary) the facilities master plan required under sec-
17 tion 103(f);

18 (2) construct, modernize, renovate, or retrofit
19 public school facilities, which may include seismic
20 retrofitting for schools vulnerable to seismic natural
21 disasters;

22 (3) decarbonize public school facilities through
23 the adoption of all-electric space and water heating
24 systems and cooking equipment, including other effi-

1 ciency improvements and on-site renewable energy
2 installation;

3 (4) carry out major repairs of public school fa-
4 cilities, including deferred maintenance projects;

5 (5) install furniture or fixtures with at least a
6 10-year life in public school facilities;

7 (6) construct new public school facilities;

8 (7) acquire and prepare sites on which new
9 public school facilities will be constructed;

10 (8) extend the life of basic systems and compo-
11 nents of public school facilities;

12 (9) ensure current or anticipated enrollment
13 does not exceed the physical and instructional capaci-
14 ty of public school facilities;

15 (10) ensure the building envelopes and interiors
16 of public school facilities protect occupants from nat-
17 ural elements and human threats, and are struc-
18 turally sound and secure;

19 (11) compose building design plans that
20 strengthen the safety and security on school prem-
21 ises by utilizing design elements, principles, and
22 technology that—

23 (A) guarantee layers of security through-
24 out the school premises; and

1 (B) uphold the aesthetics of the school
2 premises as a learning and teaching environ-
3 ment;

4 (12) improve energy and water efficiency to
5 lower the costs of energy and water consumption in
6 public school facilities;

7 (13) improve indoor air quality in public school
8 facilities;

9 (14) reduce or eliminate the presence of—

10 (A) toxic substances, including mercury,
11 radon, PCBs, lead, per- and polyfluoroalkyl
12 substances, and asbestos;

13 (B) mold and mildew; or

14 (C) rodents and pests;

15 (15) ensure the safety of drinking water at the
16 tap and water used for meal preparation in public
17 school facilities, which may include testing of the po-
18 tability of water at the tap for the presence of lead
19 and other contaminants, including per- and
20 polyfluoroalkyl substances;

21 (16) bring public school facilities into compli-
22 ance with applicable fire, health, and safety codes;

23 (17) make public school facilities accessible to
24 people with disabilities through compliance with the
25 Americans with Disabilities Act of 1990 (42 U.S.C.

1 12101 et seq.) and section 504 of the Rehabilitation
2 Act of 1973 (29 U.S.C. 794);

3 (18) provide instructional program space im-
4 provements for programs relating to early learning
5 (including early learning programs operated by part-
6 ners of the agency), special education, science, tech-
7 nology, career and technical education, physical edu-
8 cation, music, the arts, and literacy (including li-
9 brary programs);

10 (19) improving the public school facilities of
11 magnet schools, or other instructional programs, de-
12 signed to increase student diversity and decrease ra-
13 cial or socioeconomic isolation;

14 (20) increase the use of public school facilities
15 for the purpose of community-based partnerships
16 that provide students with academic, health, and so-
17 cial services;

18 (21) ensure the health of students and staff
19 during the construction or modernization of public
20 school facilities; or

21 (22) reduce or eliminate excessive classroom
22 noise due to activities allowable under this section.

23 (b) ALLOWANCE FOR DIGITAL LEARNING.—A local
24 educational agency may use covered funds to leverage ex-
25 isting public programs or public-private partnerships to

1 expand access to high-speed broadband sufficient for dig-
2 ital learning.

3 **SEC. 302. PROHIBITED USES.**

4 (a) IN GENERAL.—A local educational agency that
5 receives covered funds may not use such funds for—

6 (1) payment of routine and predictable mainte-
7 nance costs and minor repairs;

8 (2) any facility that is primarily used for ath-
9 letic contests or exhibitions or other events for which
10 admission is charged to the general public;

11 (3) vehicles; or

12 (4) central offices, operation centers, or other
13 facilities that are not primarily used to educate stu-
14 dents.

15 (b) ADDITIONAL PROHIBITIONS RELATING TO CHAR-
16 TER SCHOOLS.—No covered funds may be used—

17 (1) for the facilities of a public charter school
18 that is operated or managed by a for-profit entity;

19 or

20 (2) for the facilities of a public charter school
21 if—

22 (A) the school leases the facilities from an
23 individual or for-profit entity; and

24 (B) such individual, or an individual with
25 a direct or indirect financial interest in such en-

1 tity, has a management or governance role in
2 such school.

3 **SEC. 303. REQUIREMENTS FOR HAZARD-RESISTANCE AND**
4 **ENERGY AND WATER CONSERVATION.**

5 A local educational agency that receives covered
6 funds shall ensure that any new construction, moderniza-
7 tion, or renovation project carried out with such funds
8 meets or exceeds the requirements of the following:

9 (1) Requirements for such projects set forth in
10 the most recent published edition of a nationally rec-
11 ognized, consensus-based model building code.

12 (2) Requirements for such projects set forth in
13 the most recent published edition of a nationally rec-
14 ognized, consensus-based model energy conservation
15 code.

16 (3) Performance criteria under the WaterSense
17 program, established under section 324B of the of
18 the Energy Policy and Conservation Act (42 U.S.C.
19 6294b), applicable to such projects within a nation-
20 ally recognized, consensus-based model code.

21 (4) Indoor environmental air quality require-
22 ments applicable to such projects as set forth in the
23 most recent published edition of a nationally recog-
24 nized, consensus-based code or standard.

1 **SEC. 304. GREEN PRACTICES.**

2 (a) IN GENERAL.—A local educational agency that
3 uses covered funds for a new construction project shall
4 ensure that such project for new construction is certified,
5 verified, or consistent with the applicable provisions of—

6 (1) the United States Green Building Council
7 Leadership in Energy and Environmental Design
8 green building rating standard (commonly known as
9 the “LEED Green Building Rating System”);

10 (2) the Living Building Challenge developed by
11 the International Living Future Institute;

12 (3) a green building rating program developed
13 by the Collaborative for High-Performance Schools
14 (commonly known as “CHPS”) that is CHPS-
15 verified;

16 (4) the Green Building Initiative Green Globes
17 rating system; or

18 (5) a program that—

19 (A) has standards that are equivalent to or
20 more stringent than the standards of a program
21 described in paragraphs (1) through (4);

22 (B) is adopted by the State or another ju-
23 risdiction with authority over the agency; and

24 (C) includes a verifiable method to dem-
25 onstrate compliance with such program.

1 **SEC. 305. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**
2 **TURED PRODUCTS.**

3 (a) IN GENERAL.—A local educational agency that
4 receives covered funds shall ensure that any iron, steel,
5 and manufactured products used in projects carried out
6 with such funds are produced in the United States.

7 (b) WAIVER AUTHORITY.—

8 (1) IN GENERAL.—The Secretary may waive
9 the requirement of subsection (a) if the Secretary
10 determines that—

11 (A) applying subsection (a) would be in-
12 consistent with the public interest;

13 (B) iron, steel, and manufactured products
14 produced in the United States are not produced
15 in a sufficient and reasonably available amount
16 or are not of a satisfactory quality; or

17 (C) using iron, steel, and manufactured
18 products produced in the United States will in-
19 crease the cost of the overall project by more
20 than 25 percent.

21 (2) PUBLICATION.—Before issuing a waiver
22 under paragraph (1), the Secretary shall publish in
23 the Federal Register a detailed written explanation
24 of the waiver determination.

25 (c) CONSISTENCY WITH INTERNATIONAL AGREE-
26 MENTS.—This section shall be applied in a manner con-

1 sistent with the obligations of the United States under
2 international agreements.

3 (d) DEFINITIONS.—In this section:

4 (1) PRODUCED IN THE UNITED STATES.—The
5 term “produced in the United States” means the fol-
6 lowing:

7 (A) When used with respect to a manufac-
8 tured product, the product was manufactured in
9 the United States and the cost of the compo-
10 nents of such product that were mined, pro-
11 duced, or manufactured in the United States
12 exceeds 60 percent of the total cost of all com-
13 ponents of the product.

14 (B) When used with respect to iron or
15 steel products, or an individual component of a
16 manufactured product, all manufacturing proc-
17 esses for such iron or steel products or compo-
18 nents, from the initial melting stage through
19 the application of coatings, occurred in the
20 United States, except that the term does not in-
21 clude—

22 (i) steel or iron material or products
23 manufactured abroad from semi-finished
24 steel or iron from the United States; and

1 (ii) steel or iron material or products
2 manufactured in the United States from
3 semi-finished steel or iron of foreign origin.

4 (2) MANUFACTURED PRODUCT.—The term
5 “manufactured product” means any construction
6 material or end product (as such terms are defined
7 in part 25.003 of the Federal Acquisition Regula-
8 tion) that is not an iron or steel product, includ-
9 ing—

10 (A) electrical components; and

11 (B) nonferrous building materials, includ-
12 ing, aluminum and polyvinylchloride (PVC),
13 glass, fiber optics, plastic, wood, masonry, rub-
14 ber, manufactured stone, any other nonferrous
15 metals, and any unmanufactured construction
16 material.

17 **TITLE IV—REPORTS AND OTHER** 18 **MATTERS**

19 **SEC. 401. COMPTROLLER GENERAL REPORT.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date on which the majority of States receiving allocations
22 under section 102 have made subgrants to local edu-
23 cational agencies under section 103, the Comptroller Gen-
24 eral of the United States shall submit to the appropriate

1 congressional committees a report on the projects carried
2 out with covered funds.

3 (b) ELEMENTS.—The report under subsection (a)
4 shall include an assessment of—

5 (1) State activities, including—

6 (A) criteria used by each State to deter-
7 mine high-need students and facilities for pur-
8 poses of the projects carried out with covered
9 funds; and

10 (B) whether the State issued new regula-
11 tions to ensure the health and safety of stu-
12 dents and staff during construction or renova-
13 tion projects or to ensure safe, healthy, and
14 high-performing school buildings;

15 (2) the types of projects carried out with cov-
16 ered funds, including—

17 (A) the square footage of the improve-
18 ments made with covered funds;

19 (B) the total cost of each such project; and

20 (C) the costs of the project disaggregated
21 by the costs for planning, design, construction,
22 site purchase, and improvements;

23 (3) the geographic distribution of the projects;

1 (4) an assessment of the impact of selected
2 projects (as identified by the Secretary) on the
3 health and safety of school staff and students; and

4 (5) how the Secretary or States could make
5 covered funds more accessible—

6 (A) to schools with the highest numbers
7 and percentages of students counted under sec-
8 tion 1124(c) of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 6333(c));
10 and

11 (B) to schools with fiscal challenges in
12 raising capital for school infrastructure
13 projects.

14 (c) UPDATES.—The Comptroller General shall up-
15 date and resubmit the report under this section to the ap-
16 propriate congressional committees—

17 (1) on a date that is between 5 and 6 years
18 after the date of the submittal of the first report
19 under this section; and

20 (2) on a date that is between 10 and 11 years
21 after the date of the submittal of such first report.

22 **SEC. 402. STUDY AND REPORT ON PHYSICAL CONDITION OF**
23 **PUBLIC SCHOOLS.**

24 (a) STUDY AND REPORT.—Not less frequently than
25 once in each 5-year period beginning after the date of the

1 enactment of this Act, the Secretary, acting through the
2 Director of the Institute of Education Sciences, shall—

3 (1) carry out a comprehensive study of the
4 physical conditions of all public schools in each State
5 and outlying area; and

6 (2) submit a report to the appropriate congress-
7 sional committees that includes the results of the
8 study.

9 (b) ELEMENTS.—Each study and report under sub-
10 section (a) shall include—

11 (1) an assessment of—

12 (A) the effect of school facility conditions
13 on student and staff health and safety;

14 (B) the effect of school facility conditions
15 on student academic outcomes;

16 (C) the condition of school facilities, set
17 forth separately by geographic region;

18 (D) the condition of school facilities for
19 economically disadvantaged students as well as
20 students from major racial and ethnic sub-
21 groups;

22 (E) the accessibility of school facilities for
23 students and staff with disabilities;

24 (F) the prevalence of school facilities at
25 which student enrollment exceeds the physical

1 and instructional capacity of the facility and the
2 effect of such excess enrollment on instructional
3 quality and delivery of school wraparound serv-
4 ices;

5 (G) the condition of school facilities af-
6 fected by natural disasters;

7 (H) the effect that projects carried out
8 with covered funds have on the communities in
9 which such projects are conducted, including
10 the vitality, jobs, population, and economy of
11 such communities; and

12 (I) the ability of building envelopes and in-
13 teriors of public school facilities to protect occu-
14 pants from natural elements and human
15 threats;

16 (2) an explanation of any differences observed
17 with respect to the factors described in subpara-
18 graphs (A) through (I) of paragraph (1); and

19 (3) a cost estimate for bringing school facilities
20 to a state of good repair, as determined by the Sec-
21 retary.

22 **SEC. 403. OFFICE OF SCHOOL INFRASTRUCTURE AND SUS-**
23 **TAINABILITY.**

24 (a) **ESTABLISHMENT.**—Not later than 90 days after
25 the date of enactment of this Act, the Secretary shall es-

1 tablish within the Department of Education an office to
2 be known as the “Office of School Infrastructure and Sus-
3 tainability” (referred to in this section as the “Office”).

4 (b) HEAD OF OFFICE.—The head of the Office shall
5 be an individual designated by the Secretary.

6 (c) DUTIES.—The duties of the Office shall be—

7 (1) to advise the Secretary on State plans
8 under section 102;

9 (2) to serve as a liaison with other departments
10 and agencies of the Federal Government on matters
11 relating to public school facilities, including the De-
12 partment of Energy, the Department of Health and
13 Human Services, the Department of the Treasury,
14 the Federal Emergency Management Agency, and
15 the Environmental Protection Agency;

16 (3) to ensure the Department of Education is
17 prepared to meet the requirements of this Act in a
18 timely manner; and

19 (4) to manage such other programs or initia-
20 tives affecting public school facilities as the Sec-
21 retary determines appropriate.

22 **SEC. 404. DEVELOPMENT OF DATA STANDARDS.**

23 (a) DATA STANDARDS.—Not later than 120 days
24 after the date of the enactment of this Act, the Secretary,

1 in consultation with the officials described in subsection
2 (b), shall—

3 (1) identify the data that States should collect
4 and include in the databases developed under section
5 102(a)(2)(B);

6 (2) develop standards for the measurement of
7 such data; and

8 (3) issue guidance to States concerning the col-
9 lection and measurement of such data.

10 (b) OFFICIALS.—The officials described in this sub-
11 section are—

12 (1) the Administrator of the Environmental
13 Protection Agency;

14 (2) the Secretary of Energy;

15 (3) the Director of the Centers for Disease
16 Control and Prevention; and

17 (4) the Director of the National Institute for
18 Occupational Safety and Health.

19 **SEC. 405. INFORMATION CLEARINGHOUSE.**

20 (a) IN GENERAL.—Not later than 120 days after the
21 date of the enactment of this Act, the Secretary shall es-
22 tablish a clearinghouse to disseminate information on Fed-
23 eral programs and financing mechanisms that may be
24 used to assist schools in initiating, developing, and financ-
25 ing—

- 1 (1) energy efficiency projects;
- 2 (2) distributed generation projects; and
- 3 (3) energy retrofitting projects.

4 (b) ELEMENTS.—In carrying out subsection (a), the
5 Secretary shall—

- 6 (1) consult with the officials described in sec-
7 tion 404(b) to develop a list of Federal programs
8 and financing mechanisms to be included in the
9 clearinghouse; and
- 10 (2) coordinate with such officials to develop a
11 collaborative education and outreach effort to
12 streamline communications and promote the Federal
13 programs and financing mechanisms included in the
14 clearinghouse, which may include the development
15 and maintenance of a single online resource that in-
16 cludes contact information for relevant technical as-
17 sistance that may be used by States, outlying areas,
18 local educational agencies, and Bureau-funded
19 schools effectively access and use such Federal pro-
20 grams and financing mechanisms.

21 **SEC. 406. SENSE OF CONGRESS ON OPPORTUNITY ZONES.**

22 (a) FINDINGS.—The Congress finds as follows:

- 23 (1) Opportunity Zones were championed by
24 prominent leaders of both parties as an innovative
25 way to tackle longstanding challenges.

1 (2) As of December 2018, 8,763 low-income
2 communities had been designated as Opportunity
3 Zones, representing all 50 States, the District of Co-
4 lumbia, Puerto Rico, the United States Virgin Is-
5 lands, and American Samoa.

6 (3) Schools are integral parts of communities,
7 and a key part of communities' economic and work-
8 force development efforts could be modernizing
9 school facilities.

10 (b) SENSE OF CONGRESS.—It is the sense of the Con-
11 gress that opportunity zones, when combined with public
12 infrastructure investment, can provide an innovative ap-
13 proach to capital financing that has the potential to un-
14 leash creativity and help local communities rebuild schools,
15 rebuild economics, and get people back to work.

16 **TITLE V—IMPACT AID**
17 **CONSTRUCTION**

18 **SEC. 501. TEMPORARY INCREASE IN FUNDING FOR IMPACT**
19 **AID CONSTRUCTION.**

20 Section 7014(d) of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 7714(d)) is amended
22 to read as follows:

23 “(d) CONSTRUCTION.—For the purpose of carrying
24 out section 7007, there are authorized to be appropriated

1 \$100,000,000 for each of fiscal years 2023 through
2 2027.”.

3 **TITLE VI—ASSISTANCE FOR RE-**
4 **PAIR OF SCHOOL FOUNDA-**
5 **TIONS AFFECTED BY**
6 **PYRRHOTITE**

7 **SEC. 601. ALLOCATIONS TO STATES.**

8 (a) IN GENERAL.—Beginning not later than 180
9 days after the date of the enactment of this Act, the Sec-
10 retary shall carry out a program under which the Sec-
11 retary makes allocations to States to pay the Federal
12 share of the costs of making grants to local educational
13 agencies under section 602.

14 (b) WEBSITE.—Not later than 180 days after the
15 date of enactment of this Act, the Secretary shall publish,
16 on a publicly accessible website of the Department of Edu-
17 cation, instructions describing how a State may receive an
18 allocation under this section.

19 **SEC. 602. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

20 (a) IN GENERAL.—From the amounts allocated to a
21 State under section 601(a) and contributed by the State
22 under subsection (e)(2), the State shall award grants to
23 local educational agencies—

1 (1) to pay the future costs of repairing concrete
2 school foundations damaged by the presence of
3 pyrrhotite; or

4 (2) to reimburse such agencies for costs in-
5 curred by the agencies in making such repairs in the
6 five-year period preceding the date of enactment of
7 this Act.

8 (b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—

9 (1) ELIGIBILITY FOR GRANTS FOR FUTURE RE-
10 PAIRS.—To be eligible to receive a grant under sub-
11 section (a)(1), a local educational agency shall—

12 (A) with respect to each school for which
13 the agency seeks to use grant funds, dem-
14 onstrate to the State that—

15 (i) the school is a pyrrhotite-affected
16 school; and

17 (ii) any laboratory tests, core tests,
18 and visual inspections of the school's foun-
19 dation used to determine that the school is
20 a pyrrhotite-affected school were con-
21 ducted—

22 (I) by a professional engineer li-
23 censed in the State in which the
24 school is located; and

1 (II) in accordance with applicable
2 State standards or standards ap-
3 proved by any independent, nonprofit,
4 or private entity authorized by the
5 State to oversee construction, testing,
6 or financial relief efforts for damaged
7 building foundations; and

8 (B) provide an assurance that—

9 (i) the local educational agency will
10 use the grant only for the allowable uses
11 described in subsection (f)(1); and

12 (ii) all work funded with the grant
13 will be conducted by a qualified contractor
14 or architect licensed in the State.

15 (2) ELIGIBILITY FOR REIMBURSEMENT
16 GRANTS.—To be eligible to receive a grant under
17 subsection (a)(2), a local educational agency shall
18 demonstrate that it met the requirements of para-
19 graph (1) at the time it carried out the project for
20 which the agency seeks reimbursement.

21 (c) APPLICATION.—

22 (1) IN GENERAL.—A local educational agency
23 that seeks a grant under this section shall submit to
24 the State an application at such time, in such man-
25 ner, and containing such information as the State

1 may require, which upon approval by the State
2 under subsection (d)(1)(A), the State shall submit to
3 the Secretary for approval under subsection
4 (d)(1)(B).

5 (2) CONTENTS.—At minimum, each application
6 shall include—

7 (A) information and documentation suffi-
8 cient to enable the State to determine if the
9 local educational agency meets the eligibility
10 criteria under subsection (b);

11 (B) in the case of an agency seeking a
12 grant under subsection (a)(1), an estimate of
13 the costs of carrying out the activities described
14 in subsection (f);

15 (C) in the case of an agency seeking a
16 grant under subsection (a)(2)—

17 (i) an itemized explanation of—

18 (I) the costs incurred by the
19 agency in carrying out any activities
20 described subsection (f);

21 (II) any amounts contributed
22 from other Federal, State, local, or
23 private sources for such activities; and

1 (ii) the amount for which the local
2 educational agency seeks reimbursement;
3 and

4 (D) the percentage of any costs described
5 in subparagraph (B) or (C) that are covered by
6 an insurance policy.

7 (d) APPROVAL AND DISBURSEMENT.—

8 (1) APPROVAL.—

9 (A) STATE.—The State shall approve the
10 application of each local educational agency for
11 submission to the Secretary that—

12 (i) submits a complete and correct ap-
13 plication under subsection (c); and

14 (ii) meets the criteria for eligibility
15 under subsection (b).

16 (B) SECRETARY.—Not later than 60 days
17 after receiving an application of a local edu-
18 cational agency submitted by a State under
19 subsection (c)(1), the Secretary shall—

20 (i) approve such application, in a case
21 in which the Secretary determines that
22 such application meets the requirements of
23 subparagraph (A); or

1 (ii) deny such application, in the case
2 of an application that does not meet such
3 requirements.

4 (2) DISBURSEMENT.—

5 (A) ALLOCATION.—The Secretary shall
6 disburse an allocation to a State not later than
7 60 days after the date on which the Secretary
8 approves an application under paragraph
9 (1)(B).

10 (B) GRANT.—The State shall disburse
11 grant funds to a local educational agency not
12 later than 60 days after the date on which the
13 State receives an allocation under subparagraph
14 (A).

15 (e) FEDERAL AND STATE SHARE.—

16 (1) FEDERAL SHARE.—The Federal share of
17 each grant under this section shall be an amount
18 that is not more than 50 percent of the total cost
19 of the project for which the grant is awarded.

20 (2) STATE SHARE.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), the State share of each grant under
23 this section shall be an amount that is not less
24 than 40 percent of the total cost of the project

1 for which the grant is awarded, which the State
2 shall contribute from non-Federal sources.

3 (B) SPECIAL RULE FOR REIMBURSEMENT
4 GRANTS.—In the case of a reimbursement grant
5 made to a local educational agency under sub-
6 section (a)(2), a State shall be treated as meet-
7 ing the requirement of subparagraph (A) if the
8 State demonstrates that it contributed, from
9 non-Federal sources, not less than 40 percent
10 of the total cost of the project for which the re-
11 imbursement grant is awarded.

12 (f) USES OF FUNDS.—

13 (1) ALLOWABLE USES OF FUNDS.—A local edu-
14 cational agency that receives a grant under this sec-
15 tion shall use such grant only for costs associated
16 with—

17 (A) the repair or replacement of the con-
18 crete foundation or other affected areas of a
19 pyrrhotite-affected school in the jurisdiction of
20 such agency to the extent necessary—

21 (i) to restore the structural integrity
22 of the school to the safety and health
23 standards established by the professional
24 licensed engineer or architect associated
25 with the project; and

1 (ii) to restore the school to the condi-
2 tion it was in before the school's founda-
3 tion was damaged due to the presence of
4 pyrrhotite; and

5 (B) engineering reports, architectural de-
6 sign, core tests, and other activities directly re-
7 lated to the repair or replacement project.

8 (2) PROHIBITED USES OF FUNDS.—A local edu-
9 cational agency that receives a grant under this sec-
10 tion may not use the grant for any costs associated
11 with—

12 (A) work done to outbuildings, sheds, or
13 barns, swimming pools (whether in-ground or
14 above-ground), playgrounds or ballfields, or any
15 ponds or water features;

16 (B) the purchase of items not directly as-
17 sociated with the repair or replacement of the
18 school building or its systems, including items
19 such as desks, chairs, electronics, sports equip-
20 ment, or other school supplies; or

21 (C) any other activities not described in
22 paragraph (1).

23 (g) LIMITATION.—A local educational agency may
24 not, for the same project, receive a grant under both—

25 (1) this section; and

1 (2) title I.

2 **SEC. 603. DEFINITIONS.**

3 In this title:

4 (1) PYRRHOTITE-AFFECTED SCHOOL.—The
5 term “pyrrhotite-affected school” means an elemen-
6 tary school or a secondary school that meets the fol-
7 lowing criteria:

8 (A) The school has a concrete foundation.

9 (B) Pyrrhotite is present in the school’s
10 concrete foundation, as demonstrated by a
11 petrographic or other type of laboratory core
12 analysis or core inspection.

13 (C) A visual inspection of the school’s con-
14 crete foundation indicates that the presence of
15 pyrrhotite is causing the foundation to deterio-
16 rate at an unsafe rate.

17 (D) A qualified engineer determined that
18 the deterioration of the school’s foundation, due
19 to the presence of pyrrhotite—

20 (i) caused the school to become struc-
21 turally unsound; or

22 (ii) will result in the school becoming
23 structurally unsound within the next five
24 years.

1 (2) QUALIFIED CONTRACTOR.—The term
2 “qualified contractor” means a contractor who is
3 qualified under State law, or approved by any State
4 agency or other State-sanctioned independent or
5 nonprofit entity, to repair or replace residential or
6 commercial building foundations that are deterio-
7 rating due to the presence of pyrrhotite.

8 **SEC. 604. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to carry out
10 this title such sums as may be necessary for fiscal year
11 2023 and each fiscal year thereafter.

